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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 004148

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TAGS: [PGOV](#) [PK](#)

SUBJECT: GOP PREPARES FOR A SUPREME COURT VERDICT ON
MUSHARRAF'S RE-ELECTION

REF: A. ISLAMABAD 4094

[1](#)B. ISLAMABAD 4024

Classified By: A/DCM Candace Putnam, Reasons 1.4 (b), (d)

[1](#)1. (C) Summary. Pakistan's Supreme Court continues to hear arguments on the bundle of pending cases challenging President Musharraf's eligibility to run for re-election. We expect a verdict by the end of the week, and the government remains confident of a pro-Musharraf vote. Musharraf has signed his nomination papers, which will be submitted to the Election Commission September 27, along with the nominations of potentially 88 other challengers. Anticipating chaos at the Election Commission and a planned nationwide lawyers' demonstration, the GOP has increased road blocks and security checks around Islamabad. The disunited opposition parties are still threatening to resign from the National and Provincial Assemblies ahead of the presidential vote. While a walkout could weaken Musharraf's credibility, we still expect Musharraf to win the required simple majority vote. Talks are underway between Pakistan People's Party (PPP) and Musharraf's representatives on draft legislation to grant an amnesty for Benazir Bhutto. Reportedly, the alleged sticking point of the Musharraf-Bhutto deal is which will come first -- amnesty for Bhutto or Musharraf's re-election with the PPP's supporting presence. End Summary.

Supreme Court Hearings Continue

[1](#)2. (U) Pakistan's Supreme Court continues to hear arguments in the bundled cases challenging Musharraf's eligibility to run for re-election. The joined case of 10 separate plaintiffs' motions has taken longer than the Court itself originally predicted. Four of these motions have been dismissed directly from the bench: one petitioner did not show; two represented themselves without legal counsel; all four forwarded "creative" arguments on why Musharraf would not be able to stand for re-election. Next comes a friends of the court brief, and court watchers expect the hearing to conclude on September 27 or September 28. The government continues to be confident of a pro-Musharraf verdict; most political analysts here agree.

13. (C) President Musharraf has signed his nomination papers, which should be submitted tomorrow. At least 88 candidates have obtained nomination papers, including civil servants, university professors, medical doctors and retired judges. One interesting candidate who has filed his papers is former Supreme Court Justice Wajihuddin Ahmed. Ahmed, who was forced to retire in 2000 when he refused to accept Musharraf's provisional constitutional order, is supported by the Supreme Court Bar Association and other legal fraternities. Also on September 26, PPP in-country leader Makhdoom Amin Fahim announced he will be a candidate, if the Supreme Court disqualifies Musharraf.

Musharraf-Bhutto Negotiations

14. (C) Pakistan Muslim League Secretary General Mushahid Hussain told Ambassador September 25 that he and PML President Chaudhry Shujaat Hussain were engaged in direct talks with the PPP's Fahim. They were negotiating the text of legislation to grant Bhutto (and other politicians) an amnesty over pending corruption charges. In exchange, Musharraf wants to ensure that the PPP does not resign from the assemblies ahead of the presidential vote. The sticking point appears to be which will come first -- parliamentary approval of amnesty legislation or Musharraf's re-election with the PPP present but voting to abstain in the assemblies. Bhutto resumed her tactic of negotiating through the media; local newspapers reported her latest list of conditions: amnesty, Musharraf's resignation as Chief of Army Staff, and

ISLAMABAD 00004148 002 OF 002

assurances the two-term limit on prime ministers would be lifted.

Disunited Opposition

15. (C) Meanwhile, the rest of the opposition remains disunited. The All Parties Democratic Movement (APDM) is threatening that its members will resign from the National and Provincial Assemblies if the Court and Election Commission rule in favor of Musharraf. But at a meeting of the MMA religious block September 25, JUI-F leader Fazlur Rehman would not commit to a walkout, and the APDM has been unable to agree on a united opposition candidate to challenge Musharraf. Many of Nawaz Sharif's party leaders have gone underground or headed to Mecca to avoid arrest by the government. JUI-F General Secretary Ghafoor Haideri told poloff September 25 that Rehman met with Nawaz this week in Saudi Arabia. Reportedly, Nawaz was "despondent and depressed" and did not appear to be planning a return. The Pakistan Lawyers Association plans nationwide protest demonstrations on September 27.

16. (C) Anticipating chaos from the lawyers' demonstration and the prospect of potentially 88 candidates filing their papers at the Election Commission on the same day, the GOP plans to continue stringent security checkpoints around the Supreme Court and Election Commission.
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